

## **Proposed Amendments to 453 CMR Chapter 7.00: Apprentice Training**

*The following proposed amendments are listed below;*

Change title from “Apprentice Training” to “Apprentice Standards” and other language changes to address the consolidation of the Division of Apprentice Training with the Division of Occupational Safety thereby creating the Department of Labor Standards

### **Definition for Interim Credential**

453 CMR 7.02(20) currently defines the term “interim credential” as follows: “a credential issued by the sponsor, upon approval of the Division, as certification of competency attainment by an apprentice.” The US DOL has requested as part of its corrective plan, that DLS amend the definition to conform to 29 CFR 29.2 as follows:

“a credential issued by the Department [of Labor Standards], upon request of the appropriate sponsor, as certification of competency attainment by an apprentice.”

### ***Proposed Amendment to 453 CMR 7.02(20)***

Replace the word “sponsor” with the word “Department” and strike the phrase “upon approval of the Division.”

### **Reference to National Guidelines for Apprentice Standards**

A typographical error in recent amendments to the regulations provides, at 453 CMR 7.03(5), that the DLS has authority to change National Guidelines for Apprentice Standards.

### ***Proposed Amendment to 453 CMR 7.03(5)***

Delete the phrase “certified National Guidelines for Apprentice Standards”.

### **Suspension of Apprentice Program**

The US DOL has raised due process concerns regarding the provisions in 453 CMR 7.09 which permit the DLS to suspend the ability of a registered program to register new apprentices. Specifically, that the criteria for suspension is not clearly articulated with no objective standard for determination of when suspension would be appropriate (or cease to be so). In addition, the suspension provisions duplicate, in part, the deregistration provisions set forth in Section 7.10.

### ***Proposed Amendments to 453 CMR 7.09 and 7.10***

Delete 453 CMR 7.09 in its entirety. Change 7.10 to 7.09, and renumber each section correspondingly thereafter.

In the new 7.09(2), after the word “acquire”, add the following: violation of the ratio of journeymen to apprentices.”

### **Deregistration of a Registered Program**

453 CMR 7.10(7) provides that “if the sponsor does not request a hearing, the Division will transmit to the Administrator [of the US DOL Office of Apprentices Standards] a report containing all the pertinent facts and circumstances concerning the nonconformity . . . the Administrator will make a final order on the basis of the record presented.” Pursuant to 29 CFR 29.8, the Department of Labor Standards may make the decision and the US DOL has requested that we amend 453 CMR to so provide.

***Proposed Amendment to 453 CMR 7.10(d) and 453 CMR 7.10(d)(7)***

In 453 CMR 7.10(d), strike all text after the word “hearing” and replace with the following: “the Department will make a final determination regarding the proposed deregistration based on the record.”

Strike 7.10(d)(7) in its entirety.

Renumber 7.10(d)(8) and (d)(9), as (d)(7) and (d)(8), respectively.